

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4844
OFFERED BY MR. EHLERS

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Federal Election Integ-
3 rity Act of 2006” .

**4 SEC. 2. REQUIRING VOTERS TO PROVIDE PHOTO IDENTI-
5 FICATION.**

6 (a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICA-
7 TION AS CONDITION OF RECEIVING BALLOT.—Section
8 303(b) of the Help America Vote Act of 2002 (42 U.S.C.
9 15483(b)) is amended—

10 (1) in the heading, by striking “FOR VOTERS
11 WHO REGISTER BY MAIL” and inserting “FOR PRO-
12 VIDING PHOTO IDENTIFICATION”; and

13 (2) by striking paragraphs (1) through (3) and
14 inserting the following:

15 “(1) INDIVIDUALS VOTING IN PERSON.—

16 “(A) REQUIREMENT TO PROVIDE IDENTI-
17 FICATION.—Notwithstanding any other provi-
18 sion of law and except as provided in subpara-

graph (B), the appropriate State or local election official may not provide a ballot for an election for Federal office to an individual who desires to vote in person unless the individual presents to the official—

“(i) a government-issued, current, and valid photo identification; or

“(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

“(B) AVAILABILITY OF PROVISIONAL BALLOT.—If an individual does not present the identification required under subparagraph (A), the individual shall be permitted to cast a provisional ballot with respect to the election under section 302(a), except that the appropriate State or local election official may not make a determination under section 302(a)(4) that the individual is eligible under State law to vote in

1 the election unless the individual presents the
2 identification required under subparagraph (A)
3 to the official not later than 48 hours after
4 casting the provisional ballot.

5 “(2) INDIVIDUALS VOTING OTHER THAN IN
6 PERSON.—

7 “(A) IN GENERAL.—Notwithstanding any
8 other provision of law and except as provided in
9 subparagraph (B), the appropriate State or
10 local election official may not accept any ballot
11 for an election for Federal office provided by an
12 individual who votes other than in person unless
13 the individual submits with the ballot—

14 “(i) a copy of a government-issued,
15 current, and valid photo identification; or

16 “(ii) in the case of the regularly
17 scheduled general election for Federal of-
18 fice held in November 2010 and each sub-
19 sequent election for Federal office, a copy
20 of a government-issued, current, and valid
21 photo identification for which the indi-
22 vidual was required to provide proof of
23 United States citizenship as a condition for
24 the issuance of the identification.

1 “(B) EXCEPTION FOR OVERSEAS MILITARY
2 VOTERS.—Subparagraph (A) does not apply
3 with respect to a ballot provided by an absent
4 uniformed services voter who, by reason of ac-
5 tive duty or service, is absent from the United
6 States on the date of the election involved. In
7 this subparagraph, the term ‘absent uniformed
8 services voter’ has the meaning given such term
9 in section 107(1) of the Uniformed and Over-
10 seas Citizens Absentee Voting Act (42 U.S.C.
11 1973ff—6(1)), other than an individual de-
12 scribed in section 107(1)(C) of such Act.

13 “(3) SPECIFIC REQUIREMENTS FOR IDENTI-
14 FICATIONS.—For purposes of paragraphs (1) and
15 (2)—

16 “(A) an identification is ‘government-
17 issued’ if it is issued by the Federal Govern-
18 ment or by the government of a State; and

19 “(B) an identification is one for which an
20 individual was required to provide proof of
21 United States citizenship as a condition for
22 issuance if the identification displays an official
23 marking or other indication that the individual
24 is a United States citizen.”.

1 (b) CONFORMING AMENDMENTS.—Section 303 of
2 such Act (42 U.S.C. 15483) is amended—

3 (1) in the heading, by striking “**FOR VOTERS**
4 **WHO REGISTER BY MAIL**” and inserting “**FOR**
5 **PROVIDING PHOTO IDENTIFICATION**”; and

6 (2) in subsection (c), by striking “subsections
7 (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)” and inserting
8 “subsection (a)(5)(A)(i)(II)”.

9 (c) CLERICAL AMENDMENT.—The table of contents
10 of such Act is amended by amending the item relating to
11 section 303 to read as follows:

“Sec. 303. Computerized statewide voter registration list requirements and re-
quirements for providing photo identification”.

12 (d) EFFECTIVE DATE.—

13 (1) IN GENERAL.—This section and the amend-
14 ments made by this section shall apply with respect
15 to the regularly scheduled general election for Fed-
16 eral office held in November 2008 and each subse-
17 quent election for Federal office.

18 (2) CONFORMING AMENDMENT.—Section
19 303(d)(2) of such Act (42 U.S.C. 15483(d)(2)) is
20 amended to read as follows:

21 “(2) REQUIREMENT TO PROVIDE PHOTO IDEN-
22 TIFICATION.—Paragraphs (1) and (2) of subsection
23 (b) shall apply with respect to the regularly sched-
24 uled general election for Federal office held in No-

1 vember 2008 and each subsequent election for Fed-
2 eral office.”.

3 **SEC. 3. MAKING PHOTO IDENTIFICATIONS AVAILABLE.**

4 (a) REQUIRING STATES TO MAKE IDENTIFICATION
5 AVAILABLE.—Section 303(b) of the Help America Vote
6 Act of 2002 (42 U.S.C. 15483(b)), as amended by section
7 2(a)(2), is amended—

8 (1) by redesignating paragraphs (4) and (5) as
9 paragraphs (5) and (6); and

10 (2) by inserting after paragraph (3) the fol-
11 lowing new paragraph:

12 “(4) MAKING PHOTO IDENTIFICATIONS AVAIL-
13 ABLE.—

14 “(A) IN GENERAL.—During fiscal year
15 2008 and each succeeding fiscal year, each
16 State shall establish a program to provide photo
17 identifications which may be used to meet the
18 requirements of paragraphs (1) and (2) by indi-
19 viduals who desire to vote in elections held in
20 the State but who do not otherwise possess a
21 government-issued photo identification.

22 “(B) IDENTIFICATIONS PROVIDED AT NO
23 COST TO INDIGENT INDIVIDUALS.—If a State
24 charges an individual a fee for providing a

1 photo identification under the program estab-
2 lished under subparagraph (A)—

3 “(i) the fee charged may not exceed
4 the reasonable cost to the State of pro-
5 viding the identification to the individual;
6 and

7 “(ii) the State may not charge a fee
8 to any individual who provides an attesta-
9 tion that the individual is unable to afford
10 the fee.

11 “(C) IDENTIFICATIONS NOT TO BE USED
12 FOR OTHER PURPOSES.—Any photo identifica-
13 tion provided under the program established
14 under subparagraph (A) may not serve as a
15 government-issued photo identification for pur-
16 poses of any program or function of a State or
17 local government other than the administration
18 of elections.”.

19 (b) PAYMENTS TO STATES TO COVER COSTS.—Sub-
20 title D of title II of such Act (42 U.S.C. 15321 et seq.)
21 is amended by adding at the end the following new part:

1 **“PART 7—PAYMENTS TO COVER COSTS OF PRO-**
2 **VIDING PHOTO IDENTIFICATIONS TO INDI-**
3 **GENT INDIVIDUALS**

4 **“SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PRO-**
5 **VIDING PHOTO IDENTIFICATIONS FOR VOT-**
6 **ING TO INDIGENT INDIVIDUALS.**

7 “(a) PAYMENTS TO STATES.—The Commission shall
8 make payments to States to cover the costs incurred in
9 providing photo identifications under the program estab-
10 lished under section 303(b)(4) to individuals who are un-
11 able to afford the fee that would otherwise be charged
12 under the program.

13 “(b) AMOUNT OF PAYMENT.—The amount of the
14 payment made to a State under this part for any year
15 shall be equal to the amount of fees which would have
16 been collected by the State during the year under the pro-
17 gram established under section 303(b)(4) but for the ap-
18 plication of section 303(b)(4)(B)(ii), as determined on the
19 basis of information furnished to the Commission by the
20 State at such time and in such form as the Commission
21 may require.

22 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated for pay-
24 ments under this part such sums as may be necessary for
25 fiscal year 2008 and each succeeding fiscal year.”.

1 (c) CLERICAL AMENDMENT.—The table of contents
2 of such Act is amended by adding at the end of the item
3 relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO
IDENTIFICATIONS TO INDIGENT INDIVIDUALS

“Sec. 297. Payments to cover costs to States of providing photo identifications
for voting to indigent individuals.

“Sec. 297A. Authorization of appropriations.”.

4 (d) EFFECTIVE DATE.—This section and the amend-
5 ments made by this section shall take effect October 1,
6 2007.

Amend the title so as to read: “A bill to amend the Help America Vote Act of 2002 to require each individual who desires to vote in an election for Federal office to provide the appropriate election official with a government-issued photo identification, and for other purposes.”.